



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1761

In re

Patent Application of

Robert Lawrence Prosise, et al.

Application No. 09/828,015

Confirmation No.: 6391

Filed: April 6, 2001

Examiner: Pratt, Helen F.

"NUTRITIONALLY BALANCED SNACK
FOOD COMPOSITIONS"

I, Leslie Rector, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Leslie Rector
Signature

July 30, 2003
Date of Signature

RECEIVED
AUG 11 2003
TC 1700

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION OVER
CO-PENDING PATENT APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

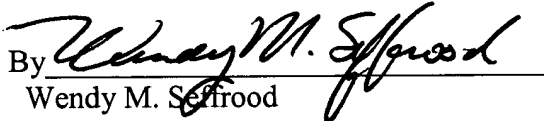
Mid-America Commercialization Corporation, located at 1500 Hayes Drive, Manhattan, Kansas 66502 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded October 3, 2002, at Reel 013350, Frames 0604. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of a patent, if granted, on co-pending Patent Application Nos. 09/828,016, 09/827,863, 09/828,018, 09/827,802, and 09/827,436 (hereinafter "said co-pending Applications"), which are owned by Assignee by virtue of an assignment recorded October 3, 2002, at Reel 013350, Frames 0604. Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said

Application should be the same as the legal title to the patent, if granted, on said co-pending Applications. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of a patent granted on said co-pending Applications, in the event that the patent granted on said co-pending Applications later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7/30/03

By 
Wendy M. Selfrood
Reg. No. 52,205
Attorney of Record

Attorney Docket No.: 066544-9009

Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806

cc: Docketing

X:\clientb\066544\9009\B0236847.DOC